

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION--DIVISION OF WATER QUALITY
SEPTEMBER 22, 2005

ITEM 7

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR DISSOLVED COPPER IN SHELTER ISLAND YACHT BASIN

DISCUSSION

The San Diego Regional Water Quality Control Board (San Diego Water Board) adopted an updated Water Quality Control Plan for the San Diego Region (Basin Plan) on September 8, 1994. The adopted Basin Plan was approved by the State Water Resources Control Board (State Water Board) on December 13, 1994 and by the Office of Administrative Law (OAL) on April 26, 1995.

On February 9, 2005, the San Diego Water Board adopted Resolution No. R9-2005-0019 ([Attachment](#)) amending the Basin Plan to incorporate a TMDL for dissolved copper in Shelter Island Yacht Basin (SIYB). SIYB supports the same suite of beneficial uses as San Diego Bay, the most sensitive being marine habitat and wildlife habitat, which are impaired due to elevated levels of dissolved copper.

TMDL targets are set at the water quality objectives (WQOs) for dissolved copper established in the Basin Plan for SIYB and specify that concentrations in seawater should not exceed 3.1 micrograms per liter (ug/L) for chronic exposures (four-day average) and 4.8 ug/L for acute exposure (one-hour average). These are the same as the water quality criteria specified in the California Toxics Rule. The Basin Plan also contains narrative WQOs for toxicity and pesticides, and meeting the numeric WQOs for copper will also ensure that these narrative objectives are met.

About 98 percent of the copper loading to SIYB originates from copper-based antifouling paints applied to the hulls of recreational vessels, and most of this is due to passive leaching of copper into the water column. A lesser amount is due to periodic underwater hull cleaning of vessels in the SIYB marinas. The TMDL for copper discharges into SIYB is calculated to be 567 kilograms per year. San Diego Water Board staff estimate that a 76 percent overall reduction of copper loading will be required to meet this figure.

The San Diego Unified Port District (Port), SIYB marina owners/operators, vessel owners, and underwater hull cleaners are the parties responsible for attaining the TMDL. To a much lesser extent, the City of San Diego also discharges copper from its storm water systems. The San Diego Water Board will regulate discharges of copper to SIYB through the issuance of Waste Discharge Requirements (WDRs), which could be built upon pollution control programs developed by discharger organizations or the Port. Waivers to WDRs could be conditioned on implementation of these pollution control programs. Waste discharge prohibitions may also be adopted, where necessary.

Compliance with this TMDL will require 17 years, consisting of an initial two-year orientation period follow by a three-stage, 15-year reduction period.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan in accordance with the Staff Recommendation below?

FISCAL IMPACT

San Diego Water Board and State Water Board staff work associated with or resulting from this action can be accomplished within budgeted resources.

REGIONAL WATER QUALITY CONTROL BOARD IMPACT

Yes, San Diego Water Board.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan to establish a TMDL for dissolved copper in Shelter Island Yacht Basin as adopted in San Diego Water Board Resolution No. R9-2005-0019 and as corrected by the Regional Water Board Executive Officer.
2. Authorizes the Executive Director to transmit the amendment and administrative record for this action to OAL and the TMDL to the U.S. Environmental Protection Agency for approval.

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2005-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN
DIEGO REGION TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR DISSOLVED
COPPER IN SHELTER ISLAND YACHT BASIN

WHEREAS:

1. The San Diego Regional Water Quality Control Board (San Diego Water Board) adopted a revised Water Quality Control Plan for the San Diego Region (Basin Plan) on September 8, 1994. The adopted Basin Plan was approved by the State Water Resources Control Board (State Water Board) on December 13, 1994 and by the Office of Administrative Law (OAL) on April 26, 1995.
2. On February 9, 2005, the San Diego Water Board adopted Resolution No. R9-2005-0019 (Attachment) amending the Basin Plan to establish a TMDL for dissolved copper in Shelter Island Yacht Basin.
3. San Diego Water Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
4. San Diego Water Board found that the additions of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Boards may revise Basin Plans, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(d).
6. State Water Board staff determined that provisions of the amendment as adopted warranted minor, non-substantive clarification of the language of various provisions.
7. If and when additional water bodies are listed on the 303(d) list due to copper from the use of antifouling paint on boat hulls, the State Water Board expects similar requirements will be imposed upon all such water bodies to the extent similar conditions exist.
- ~~6.8.~~ A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by the U.S. Environmental Protection Agency (USEPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan to establish a TMDL for dissolved copper in Shelter Island Yacht Basin as adopted in San Diego Water Board Resolution No. R9-2005-0019 and as corrected by the Regional Water Board Executive Officer.
2. Authorizes the Executive Director to transmit the amendment and administrative record for this action to OAL and the TMDL to USEPA for approval.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 22, 2005.

Debbie Irvin
Clerk to the Board